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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

TI-26605

Robert T. Killian, et al.

Art Unit: 2177

Serial No.: 09/713,432

Examiner: Luke S. Wassum

Filed: November 15, 2000

Conf. No.: 3221

For: Apparatus and Method to Facilitate the Customization of Television Content With
Supplemental Data

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Robin E. Barnum

August 25, 2005
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NAME OF INVENTOR(S):	
Robert T. Killian, et al.	
TITLE OF INVENTION: Apparatus and Method to Facilitate the Customization of Television Content With Supplemental Data	
TI FILE NO.:	DEPOSIT ACCT. NO.:
TI-26605	20-0668
FAXED: 8/25/05	
DUE: 9/1/05	
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In re the Application of:

Robert T. Killian, et al. TI-26605
Serial No: 09/713,432 Art Unit: 2177
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Robin E. Barnum

Dear Sir:

The following Reply Brief is respectfully submitted in connection with the above-identified application in response to the Appeal Brief mailed April 21, 2005 and the Examiner's Answer mailed July 1, 2005.

Respectfully submitted,



Robert D. Marshall, Jr.
Attorney for Applicant(s)
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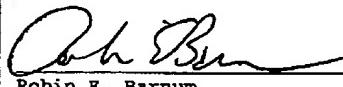
Applicant: Killian et al Art Unit: 2177
Serial No.: 09/716,432 Examiner: Luke S. Wassum
Filed: November 15, 2000 Docket: TI-26605
For: APPARATUS AND METHOD TO FACILITATE THE CUSTOMIZATION OF
TELEVISION CONTENT WITH SUPPLEMENTAL DATA

Reply Brief under 37 C.F.R. §41.41(a)(1)

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Robin E. Barnum

Dear Sir:

This is Applicant's Reply Brief filed pursuant to 37 C.F.R. §41.41(a)(1) in response to new points of argument set forth in the EXAMINER'S ANSWER of July 1, 2005.

The EXAMINER'S ANSWER states at page 12, lines 9 to 17:

"Regarding argument (2) [that the combination of **Sezan et al.** and **Banker et al.** would not select both the television signal and the corresponding supplemental data based upon the user profile, in contrast to the claimed viewer selection of the television signal and automatic selection of the supplemental data according to the selected television signal and viewer profile], the examiner respectfully disagrees.

"As discussed above, the Banker et al. reference teaches a system wherein the subscriber has the capability to select any combination of video and supplemental data (such as text data) for display on a television. The Sezan et al. reference teaches generally a system for selecting content for display to a viewer based upon the viewer's profile."

The EXAMINER'S ANSWER cites column 8, lines 30 to 55 of Sezan et al. and states at page 13, lines 16 to 19:

"The disclosure of 'bringing information together (e.g., textual information) to author particular program views' clearly reads on the claimed system wherein based upon a user's preference and the specific programming selected, supplemental data (such as textual data) is selected and displayed."

Even assuming that the Examiner's understanding of the references is correct (i.e., Banker et al. teaches independent user selection of video and supplemental data and Sezan et al. teaches automatic selection of content for display including video and supplemental data based the viewer's profile), claims 1 and 6 recite two features unobvious over the combination of Banker et al and Sezan et al.

Firstly, claims 1 and 6 each recite "plural supplemental data corresponding to the one television signal selected by the viewer operable to target a particular viewer relative to other viewers." This recitation limits the universe of supplemental data that may be selected by the apparatus of claim 1 or the method of claim 6 to those supplemental data that corresponds to "the one television signal selected by the viewer." The combination of Banker et al and Sezan et al fail to teach such supplemental data corresponding to a television signal. According to the Examiner's understanding of Banker et al, "the end user does indeed have the capability to select any combination of video and/or text services that are available in the composite video signal for display on his/her

television" (EXAMINER'S ANSWER at page 12, lines 6 to 8). This does not limit the selection of supplemental data to that corresponding to the television signal selected by the viewer as required by this limitation of claims 1 and 6. The portion of Sezan et al at column 8, lines 30 to 55 (newly cited in the EXAMINER'S ANSWER) teaches analysis module 42 bringing information together including "textual information." However, this portion of Sezan et al fails to teach limiting the selection of supplemental data to that corresponding to the television signal selected by the viewer as required by this limitation of claims 1 and 6. Accordingly, claims 1 and 6 are allowable over the combination of Banker et al and Sezan et al.

Claim 1 recites "an input device operable with said television tuner/decoder enabling a viewer to select for viewing one television signal" and "a filter module...operable...to select a preferred display component" with "the preferred display component consisting of supplemental data selected by said filter module." Similarly, method claim 6 recites "receiving a viewer selection of one of the plurality of television signals" and "selecting a preferred display component in accordance with...the viewer profile" with "preferred display component consisting of supplemental data selected by said filter module according to the viewer profile." These claims require the television signal be selected by the user and the supplemental data be selected according to the viewer profile. Banker et al teaches only user selection of the television signal and the supplemental data. Sezan et al states at column 5, lines 50 to 52:

"Frequently, the user does not desire to learn to program the device nor desire to explicitly program the device."

Thus Sezan et al teaches automated selection of audiovisual media by audiovisual system 16 as a substitute for user selection. A

person skilled in the art would employ the automated selection of Sezan et al as a substitute for the user independent selection of television signals and supplemental data of Banker et al. This combination would not result in the selection of the television signal and the supplemental data by differing agents as recited in claims 1 and 6. Accordingly, claims 1 and 6 are allowable over the combination of Banker et al and Sezan et al.

In view of the foregoing arguments, the Applicant respectfully submits that claims are allowable for the reasons set forth above. Accordingly, the Applicant respectfully requests reversal of the final rejection and advance to issue.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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